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**From:** Jennifer Gibson [JGibson@NACD.com]  
**Sent:** 5/23/2017 12:12:49 PM  
**To:** Beck, Nancy [Beck.Nancy@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]  
**CC:** Eric Byer [ebyer@NACD.com]  
**Subject:** RE: NACD Member Egregious Enforcement Case - Time Sensitive

Thanks so much, Nancy.

Best regards,

Jennifer

Jennifer Gibson  
NACD  
(571)482-3047 – o  
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**From:** Beck, Nancy [mailto:Beck.Nancy@epa.gov]  
**Sent:** Monday, May 22, 2017 6:54 PM  
**To:** Jennifer Gibson <JGibson@NACD.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Eric Byer <ebyer@NACD.com>  
**Subject:** RE: NACD Member Egregious Enforcement Case - Time Sensitive

Jennifer,  
Thanks for this information. TRI is in OCSPP now. I will see what I can learn about this one from our staff.

Regards,  
Nancy

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Nancy B. Beck, Ph.D., DABT  
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**From:** Jennifer Gibson [mailto:JGibson@NACD.com]  
**Sent:** Monday, May 22, 2017 3:05 PM  
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>  
**Cc:** Eric Byer <ebyer@NACD.com>  
**Subject:** NACD Member Egregious Enforcement Case - Time Sensitive

Dear Mandy and Nancy,

It was nice to see you last week at NACD's meeting with Administrator Pruitt. As a follow up, Eric Byer and I are working to collect troubling enforcement examples from our members with a goal of getting these to you this week, or early next at the latest.

In the meantime, one of our members, Brenntag, reached out to me on Friday with an immediate example from Region 4. EPA is proposing a five-figure penalty for failure to hit the certify button for one chemical

when submitting a Toxic Release Inventory report. A description of the case is attached. This is a perfect example of extreme monetary penalties issued for minor administrative errors that result in no harm to the environment and of the "Find & Fine" enforcement approach we discussed. In this case, even the agency's rationale for the large penalty is flawed.

Can you assist with this? We are curious to know if Region 4 even vetted this penalty through EPA headquarters as this seems completely contrary to the approach Administrator Pruitt indicated he would like the agency to take.

Please let me know if you need any additional information. Thank you so much for your consideration.

Best regards,

Jennifer

Jennifer C. Gibson  
Vice President, Regulatory Affairs

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